IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 35 OF 2006

Sudhir Rangrao Khade..... .. Applicant.

Versus

The State of Maharashtra. .... Respondent.

Mr. Prakash Naik for the Applicant.

Ms. M.M.Deshmukh, APP for the State.

CORAM : V. M. KANADE, J.

DATED : 15TH FEBRUARY, 2006.

P.C.:

Heard learned Counsel for the Applicant and the learned APP for the State.

2. This is an application for bail filed by the Applicant, who was arrested on 29th April, 2005 in respect of the incident which has taken place on 5th May, 2001. The Applicant submitted that prosecution has changed its stand from time to time after the investigation was transferred from one Agency to another. It is prosecution’s case that Applicant along with other had conspired to kill one Faizulla

Khan, who was the proprietor of M/s. Galaxy Zodiac Combine, a Construction and Estate Agency firm situated at Arora Towers, Camp, Pune. It is the case of the prosecution that pursuant to the said conspiracy the deceased was assaulted in his office which is situated at Arora Towers. It is further case of the prosecution that three unknown persons entered in his office and assaulted him and thereafter ran away from the place where the incident had taken place.

3. The investigation was transferred to the State C.I.D. (Crime) Pune, who again carried out investigation and in this investigation after the statements of various witnesses have been recorded it was transpired that Applicant was one of the main conspirator who had hired certain assassins for the purpose of murdering the said Faizulla Shaikh.

4. It is not possible to accept the submissions made by learned Counsel for the Applicant. Though the accused has been arrested in the year 2005 that by itself cannot be a ground for releasing him on bail as the investigation was subsequently transferred to the State C.I.D. (Crime), Pune, and therefore the present

applicant was not arrested immediately after the incident. It is no doubt true that initially investigation revealed that the assaults had been committed by 8 person, who were later on discharged by the Court since no material was found. However, in the subsequent investigation carried out by the State C.I.D., it was revealed that there is some material to show that the Applicant was one of the main conspirator.

5. In view of the above, the application for bail is rejected.

Sd/-

(V. M. KANADE, J.)